

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Cullinan : Examiner: Gary Chapman Hoge  
Serial No.: 10/775,000 :  
Filed: February 9, 2004 : Art Unit: 3611  
For: Menu System :

## **REPLY UNDER 37 CFR 1.111**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

In response to the Office Action mailed February 28, 2006, please amend the above identified application as follows:

### In the Specification:

Please replace the paragraph starting on page 16, line 5 with the paragraph set forth at page 2 of this reply showing the changes made.

### In the Claims:

Please amend claims 1, 16, and 18 as set forth in the following complete listing of all claims currently in the application and given at pages 3-7.

Please cancel claims 14 and 15.

### Claim Status:

Currently Amended Claims: Claims 1, 16, and 18.

Previously Presented Claims: Claims 19-22.

Original Claims: Claims 2-13, and 17.

Canceled Claims: 14 and 15.

**AMENDMENTS TO THE SPECIFICATION**

Please replace the paragraph starting on page 26, line 5 with the following marked up paragraph showing the changes made.

Figs. 14-17 illustrate another embodiment of interchangeable menu section 78""". Here the center web portion of the web is formed by the first end center web portion 302 of first web end 300 and the second end center web portion 322 of second web end 320. The upper web portion of the web is formed from the first end upper web portion 304, a middle upper web portion 330, and a second end upper web portion 324. The lower web portion of the web is formed from the first end lower web portion 306, a middle lower web portion 340, and a second end upper lower web portion 330 326. The first and second end center web portions 302 and 322, respectively and middle upper web portion 330 and middle lower web portion 340 define opening 375 similar to opening 106 in center web 95 of the menu section 78 illustrated in Fig. 2.

**AMENDMENTS TO THE CLAIMS**

**Listing of All Claims Showing Changes Made**

- 1 1. (Currently Amended) A menu system comprising:
  - 2 a) a frame comprising a top, a bottom, and opposite parallel sides that define a frame
  - 3 space;
  - 4 b) interchangeable menu sections of one or more heights and a width such that said
  - 5 menu sections fill said frame space; and
  - 6 c) each of said interchangeable menu sections comprising:
    - 7 1) a web with a center web portion, an upper web portion, and a lower web
    - 8 portion,
    - 9 2) a lower front flange projecting forward from said lower web portion at
    - 10 essentially a right angle;
    - 11 3) an upper front flange projecting forward from said upper web portion at
    - 12 essentially a right angle;
    - 13 4) a lower front lip projecting upward from said lower front flange to form a
    - 14 lower front channel; and
    - 15 5) an upper front lip projecting downward from said upper front flange to form
    - 16 an upper front ~~channel~~ channel;
    - 17 6) a first web end comprising a first end center web portion, a first end upper
    - 18 web portion, and a first end lower web portion;
    - 19 7) a second web end comprising a second end center web portion, a second end
    - 20 upper web portion, and a second end lower web portion;
    - 21 8) a middle upper web portion joined to said first end upper web portion and to
    - 22 said second end upper web portion;

23       9) a middle lower web portion joined to said first end lower web portion and to  
24       said second end lower web portion;  
25       10) a center opening formed by said first web end, said second web end, said  
26       middle upper web portion, and said middle lower web portion; and  
27       11) wherein said middle upper web portion is joined to said first end upper web  
28       portion and to said second end upper web portion and said middle lower web  
29       portion is joined to said first end lower web portion and to said second end lower  
30       web portion by means of post and hole assemblies.

1     2. (Original) The menu system according to claim 1 wherein said lower front channel  
2     and said upper front channel are sufficiently spaced-apart to receive at least one  
3     presentation strip.

1     3. (Original) The menu system according to claim 1 with said center portion of said  
2     web having an opening formed therein.

1     4. (Original) The menu system according to claim 1 further comprising:  
2       a) a lower rear flange projecting backward from said lower web portion at essentially a  
3       right angle;  
4       b) an upper rear flange projecting backward from said upper web portion at essentially  
5       a right angle;  
6       c) a lower rear lip projecting upward from said lower rear flange to form a lower rear  
7       channel; and  
8       d) an upper rear lip projecting downward from said upper rear flange to form an upper  
9       rear channel.

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- 1 5. (Original) The menu system according to claim 4 further comprising a light-blocking portion extending upward from the rearward end of said upper rear flange.
  
- 1 6. (Original) The menu system according to claim 4 wherein said interchangeable menu section is secured in said frame by a clip moveably received in said lower rear channel and said upper rear channel.
  
- 1 7. (Original) The menu system according to claim 6 with said clip comprising a catch for immovably securing said clip to said interchangeable menu section.
  
- 1 8. (Original) The menu system according to claim 6 with said clip comprising a clasp for securing said clip to said frame.
  
- 1 9. (Original) The menu system according to claim 1 further comprising securing means for securing said interchangeable menu section in said frame.
  
- 1 10. (Original) The menu system according to claim 1 wherein said interchangeable menu section is secured to said frame by a retainer rotatably attached to said side of said frame.
  
- 1 11. (Original) The menu system according to claim 10 wherein said retainer is immovably secured to said frame by means of a latch.
  
- 1 12. (Original) The menu system according to claim 1 wherein said interchangeable menu section is secured to said frame by a magnetic fastener.

1 13. (Original) The menu system according to claim 1 wherein said interchangeable  
2 menu section is secured to said frame by a hook and pile fastener.

1 14. (Canceled)

1 15. (Canceled)

1 16. (Currently Amended) The menu system according to ~~claim 14~~ claim 1 further  
2 comprising a light-blocking portion extending rearward and upward from said middle  
3 upper web portion.

1 17. (Original) The menu system according to claim 2 further comprising an end cap.

1 18. (Currently amended) A menu section comprising:  
2 1) a first web end comprising a first end center web portion, a first end upper web  
3 portion, and a first end lower web portion;  
4 2) a second web end comprising a second end center web portion, a second end upper  
5 web portion, and a second end lower web portion;  
6 3) a middle upper web portion joined to said first end upper web portion and to said  
7 second end upper web portion;  
8 4) a middle lower web portion joined to said first end lower web portion and to said  
9 second end lower web portion;  
10 5) a center opening formed by said first web end, said second web end, said middle  
11 upper web portion, and said middle lower web portion;  
12 6) a lower front flange projecting forward from said middle lower web portion at  
13 essentially a right angle;

14 7) an upper front flange projecting forward from said middle upper web portion at  
15 essentially a right angle;  
16 8) a lower front lip projecting upward from said lower front flange to form a lower front  
17 channel; and  
18 9) an upper front lip projecting downward from said upper front flange to form an upper  
19 front ~~channel~~; channel; and  
20 10) wherein said middle upper web portion is joined to said first end upper web portion  
21 and to said second end upper web portion and said middle lower web portion is joined  
22 to said first end lower web portion and to said second end lower web portion by means  
23 of post and hole assemblies.

1 19. (Previously presented) The menu section according to claim 18 further comprising  
2 a light-blocking portion extending rearward and upward from said middle upper web  
3 portion.

1 20. (Previously presented) The menu section according to claim 18 further comprising  
2 a magnet.

1 21. (Previously presented) The menu section according to claim 18 further comprising  
2 an end cap.

1 22. (Previously presented) The menu section according to claim 21 wherein a front  
2 end of said first web end is shaped as a catch and said end cap is a resilient end cap  
3 secured at one end to a rear edge to said first web end and having a latch to latch to  
4 said catch and prevent a presentation strip from falling from an opening formed by said  
5 lower front channel and said upper front channel.

**REMARKS**

***Specification***

Paragraph 3. The Examiner objects to informalities on page 16, line 11 of the specification, i.e., “upper web portion 330” should be “second end lower web portion 326” and requires correction. As required, applicant has amended this informality as required by the Examiner to render the language consistent with Figs. 14-17 and language in the specification at page 5, line 24 and page 6, line 3. Applicant kindly thanks the Examiner for pointing out the inconsistency.

***Claim Rejections and Allowable Subject Matter***

Paragraphs 4-10. The Examiner has indicated that the subject matter of claim 15 is allowable if rewritten in independent form with the limitations of the base and intervening claims (paragraph 10). In response, applicant has rewritten independent claims 1 and 18 to include the limitations of allowable claim 15 and intervening claim 14. Claims 14 and 15 have been canceled.

Dependent claim 16 has been rewritten to depend from claim 1 to avoid dependence on canceled claim 14. As such, all remaining rejected claims (paragraphs 3-9) are now believed allowable.

***Election/Restrictions***

Paragraphs 1 and 2. The Examiner has made final applicant's election of species VI (Figs. 14-16) taken with traverse. In view of the fact the applicant has rewritten independent claims 1 and 18 to incorporate all of the patentably allowable features of elected species VI, claims 1 and 18 are also believed allowable as set forth above and now constitute allowable “linking” claims. As set forth in the MPEP<sup>1</sup> section 809.03, form paragraph 8.12, “the restriction requirement as to the linked invention **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined . . .” and “ **[c]laims that require all of the limitations of an allowable linking claim** will be entered as a matter of right if the

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<sup>1</sup> Manual of Patent Examining Procedure, Rev. 3, August 2005.

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amendment is presented prior to final rejection or allowance . . . (emphasis in original)." In view of the above, claims 1-13, and 16-22 are believed allowable. No further searching is believed necessary as all claims now contain the allowable features of elected species VI.

### CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the objections/rejections/restrictions is requested. Allowance of claims 1-13 and 16-22 at an early date is solicited.

If any questions should arise with respect to the above remarks, or if it would in any way expedite the prosecution of this case, applicant(s)' attorney would appreciate a phone call at (614) 562-4280.

Respectfully submitted,

May 26, 2006  
Date

  
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### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that the correspondence identified above is being EFS-Web or facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on 26 May 2006. Printed name of person signing: Philip J. Pollick.

Signature 